

# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
No. 07 civ. 8718 (RMB)

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SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB,  
BLERTA VIKKI, DANIELLE OWIMRIN, on behalf  
of themselves and all others similarly  
situated,

Plaintiffs,

- against -

SCORES HOLDING COMPANY, INC.; GO WEST  
ENTERTAINMENT, INC., a/k/a SCORES WEST  
SIDE; and SCORES ENTERTAINMENT, INC.,  
a/k/a SCORES EAST SIDE,

Defendants.

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February 7, 2008

2:00 p.m.

Deposition of JOHN NEILSON,  
taken by Plaintiffs, pursuant to Notice,  
held at the offices of Outten & Golden  
LLP, 3 Park Avenue, New York, New York,  
before Jineen Pavesi, a Registered  
Professional Reporter, Registered Merit  
Reporter, Certified Realtime Reporter and  
Notary Public of the State of New York.

A P P E A R A N C E S :

OUTTEN & GOLDEN LLP

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New York, New York 10016

Attorneys for Plaintiffs

BY: TAMMY MARZIGLIANO, ESQ.

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BY: JERROLD F. GOLDBERG, ESQ.

1  
2 J O H N N E I L S O N,  
3 having first been duly sworn by a Notary  
4 Public of the State of New York, was  
5 examined and testified as follows:

6 EXAMINATION BY

7 MS. MARZIGLIANO:

8 Q. Good afternoon, my name is  
9 Tammy Marzigliano, we met earlier, I  
10 represent the plaintiffs in this matter.

11 Have you ever been deposed  
12 before?

13 A. Yes.

14 Q. When were you deposed most  
15 recently?

16 A. 2006.

17 Q. What was the matter in which  
18 you were deposed?

19 A. I can't remember.

20 Q. Was it involving your  
21 employment or was it a personal matter?

22 A. No, it was involving a business  
23 matter, not related to these matters,  
24 these entities.

25 Q. What entity was it related to?

1 NEILSON

2 A. Private business matter, no  
3 relationship to any of these entities.

4 Q. How many times have you been  
5 deposed?

6 A. In how long?

7 Q. Ever.

8 A. 20, 30.

9 Q. So you're very familiar with  
10 this process.

11 A. Unfortunately.

12 Q. I will go through some of the  
13 ground rules, but obviously you have been  
14 through this process before and you're  
15 familiar with it.

16 As you know, this is under oath  
17 and I need for you to answer all of my  
18 questions verbally, because, as you know,  
19 the court reporter can't take down if you  
20 nod your head or go uh-huh or anything  
21 like that.

22 Also just to keep things easy  
23 for the court reporter, I just ask that  
24 you let me finish my question before you  
25 answer and we can keep a nice straight

1 NEILSON

2 the Scores trademark to adult and  
3 entertainment nightclubs, I work with EMS  
4 to determine if a potential licensee  
5 should or shouldn't become a licensee.

6 Q. What does EMS stand for?

7 A. Entertainment Management  
8 Systems, I believe, Services.

9 Q. Entertainment Management  
10 Services?

11 A. That's the way you have it  
12 here, we always refer to it as EMS.

13 Q. But is that correct, sir, is  
14 Services correct?

15 A. I couldn't tell you whether it  
16 is services or systems, it is one of the  
17 two.

18 Q. Does anyone report to you in  
19 your position as director and president?

20 A. No, Scores Holding has no  
21 employees.

22 Q. Who do you report to?

23 A. Board of directors.

24 Q. Who is on the board of  
25 directors?

1 NEILSON

2 A. Curtis Smith, Elda Auerbach,  
3 and myself.

4 Q. You're also on the board of  
5 directors?

6 A. Yes.

7 Q. Who owns Scores Holding  
8 Company?

9 A. It is a public company trading  
10 on the -- over-the-counter bulletin  
11 board, it has approximately 630 plus  
12 shareholders.

13 Q. Who is the majority  
14 shareholder?

15 A. You would have to define  
16 majority.

17 Q. Who owns the most amount of  
18 shares, to the best of your knowledge, in  
19 Scores Holding Company?

20 A. Again, that's not a very clear  
21 question.

22 Q. Do you know whether there is  
23 someone that owns a majority, a higher  
24 percentage of shares --

25 A. There is nobody in Scores

1 NEILSON

2 Holding that owns over 50 percent.

3 Q. If you know, how many shares  
4 does Richard Goldring own?

5 A. He would probably own around 40  
6 percent; if you look it up in the last  
7 10-K you will see the exact number, it is  
8 filed with the SEC.

9 Q. Where is Scores Holding Company  
10 incorporated?

11 A. Utah.

12 Q. When was it incorporated?

13 A. Probably in the early  
14 Seventies.

15 Q. Where is the corporate offices  
16 located?

17 A. New York City.

18 Q. What is the address?

19 A. 533 West 27th Street.

20 Q. Who owns the building?

21 A. A company called Westside  
22 Realty of New York, Inc.

23 Q. Who leases the building?

24 A. Actually, let me go back.

25 Q. Sure.



1 NEILSON

2 A. The actual registered office  
3 address is in Fort Lauderdale, not in New  
4 York.

5 Again, if you define the  
6 question, it has an office in New York,  
7 but the registered office, the office in  
8 which all correspondence relating to the  
9 company is sent on an official basis, is  
10 in Fort Lauderdale.

11 Q. What's that address?

12 A. 901 Northeast 3rd Street, Fort  
13 Lauderdale, Florida 33301.

14 Q. The office in New York, the 533  
15 West 27th Street, what's there?

16 A. What's there?

17 Q. Yes.

18 A. An office comprising  
19 approximately 300 square feet.

20 Q. Are there any employees there?

21 A. Curtis Smith works out of that.

22 Q. Curtis Smith?

23 A. Curtis Smith.

24 Q. What's his title?

25 A. He is the CEO, and if I am in

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2 New York City, I may use it.

3 Q. How many offices are in that  
4 building?

5 A. Offices?

6 Q. Yes, or in that space.

7 A. The space that Scores Holding  
8 occupies is about 200 something square  
9 feet, it is about the size of that box  
10 here, it has one desk, one filing cabinet  
11 and one chair.

12 Q. So Curtis Smith is there every  
13 day?

14 A. He sometimes works out of his  
15 home.

16 Q. Other than Curtis Smith and you  
17 occasionally, does anyone else work out of  
18 that office?

19 A. No.

20 Q. Right now I am talking about  
21 Scores Holding Company, and when I move on  
22 I will make that distinction, so you know  
23 who I am referring to.

24 Does Scores Holding Company own  
25 any properties?

1 NEILSON

2 A. No.

3 Q. Do they manage any properties?

4 A. No.

5 MR. GOLDBERG: Property  
6 referring to real property?

7 MS. MARZIGLIANO: Yes.

8 Q. Does the corporation have any  
9 bank accounts?

10 A. Yes.

11 Q. What banks?

12 A. I would have to verify that  
13 with Curtis Smith.

14 Q. Do you know how many accounts?

15 A. No.

16 Q. Does the corporation have an  
17 accountant?

18 A. Yes, it does.

19 Q. Do you know who the accountant  
20 is?

21 A. I am having a block; again, if  
22 you look at the filings, it is on there.

23 The account manager is Carl  
24 Voght, but they have changed the name of  
25 the firm recently, I can't remember.

1 NEILSON

2 Q. If it comes to you let me know  
3 at that point and then we can always ask  
4 for information to supplement and also to  
5 verify the bank accounts.

6 Does this corporation issue any  
7 payroll checks?

8 A. Yes, it does.

9 Q. For whom does it issue payroll  
10 checks?

11 A. I believe just Curtis Smith.

12 I make the statement now  
13 because it may save us a lot of time in  
14 messing around; Scores Holding Company is  
15 a public company, it is a fully reporting  
16 company that files 10-Qs and 10-Ks and has  
17 done so since the early Seventies.

18 You would be much better  
19 informed printing out the last Form 10-K  
20 that we filed or actually the most recent  
21 10-Q that we filed, all your answers will  
22 be on there, it will be more accurate than  
23 me trying to remember information and it  
24 would save us all a lot of time and legal  
25 fees if you did that.

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2 Q. I can ask you to produce that  
3 information.

4 A. Or you can go on-line now and  
5 print it up, go to Yahoo and print it up,  
6 it will take you all of five minutes.

7 Q. I appreciate that, in directing  
8 me, but we still have this process that we  
9 need to go through to get this  
10 information.

11 A. It would be much more efficient  
12 for you to rely on the Ks and Qs than my  
13 memory.

14 Q. We can also verify some of  
15 that.

16 Would that have the bank  
17 account information on there?

18 A. It has all pertinent financial  
19 reporting information.

20 Q. Speaking of Scores Holding  
21 Company, what, if you know, are the  
22 corporation's assets?

23 A. The trademark, the license  
24 agreements that are in place at this time.

25 Q. Anything else?

1 NEILSON

2 A. No.

3 Q. Does the corporation have a  
4 human resource department or any other  
5 departments?

6 A. No.

7 Q. Does it negotiate service  
8 contracts?

9 A. It has done in the past, yes.

10 Q. Does it purchase merchandise?

11 A. Define merchandise.

12 Q. Any kind of itemses, tangible  
13 items?

14 A. Such as?

15 Q. The diamond dollars or hats?

16 A. No.

17 Q. Or bar glasses?

18 A. It does manufacture baseball  
19 caps and T shirts and other item, it does  
20 not manufacture or buy or sell bar  
21 glasses.

22 Q. The hats --

23 A. Novelty type.

24 Q. What do you do with these  
25 novelty type items?

1 NEILSON

2 A. It sells them to clubs that use  
3 the Scores trademark.

4 Q. Does it have any subsidiaries;  
5 again, talking about Scores Holding  
6 Company?

7 A. Without referring to the 10-K  
8 and to the relevant legal counsel, I can't  
9 respond to that at this time.

10 Q. Who is the relevant legal  
11 counsel?

12 A. That would be Gotbetter &  
13 Partners, our corporate legal counsel.

14 Again, if you go and print off  
15 the 10-K, the history of the company from  
16 1999 is there in very clear, succinct,  
17 written English and would save my time,  
18 your time, my attorney's time, this very  
19 good young lady on my right here, and it  
20 would certainly be more effective than  
21 relying on my memory which, due to my  
22 age --

23 Q. Are you suggesting that it is  
24 maybe more efficient to postpone this for  
25 us to review it and have you come back

1 NEILSON

2 tomorrow?

3 A. I am telling you if you want  
4 answers to these questions in a clear way,  
5 go to the documents that we file with the  
6 government every quarter, that's why we do  
7 it and it will save a lot of time, because  
8 you are asking me questions that I can't  
9 remember, I would have to go to those  
10 documents to refer to them to answer them.

11 MS. MARZIGLIANO: Off the  
12 record.

13 (Discussion off the record.)

14 MS. MARZIGLIANO: I expect that  
15 you will produce all relevant documents  
16 and whatever documents that you're  
17 referring to, if we need to, we will call  
18 you back.

19 As a 30(b)(6) witness, you're  
20 here to testify about this information, so  
21 we assume that you have this knowledge.

22 MR. GOLDBERG: He does, I don't  
23 think he has indicated he doesn't, just  
24 some of the specifics obviously he doesn't  
25 recall and he has indicated may be



1 NEILSON

2 reflected, but we will produce the 10-Ks  
3 and 10-Qs.

4 MS. MARZIGLIANO: Thank you.

5 Q. Again, speaking about Scores  
6 Holding Company, I believe I had asked  
7 whether there are any subsidiaries?

8 A. Without referring to the 10-Qs  
9 or 10-Ks, I can't answer that question  
10 accurately.

11 Q. To the best of your knowledge?

12 A. Without referring to the  
13 documents, I can't answer that question  
14 accurately.

15 Q. Moving on to Entertainment  
16 Management Services, what is the  
17 relationship between Entertainment  
18 Management Services and Scores Holding  
19 Company?

20 A. Scores Holding Company gave a  
21 master license agreement to EMS, giving it  
22 the right to market, promote, advertise,  
23 and enter into licensing agreements with  
24 adult entertainment nightclubs to use the  
25 Scores trademark.

1 NEILSON

2 Q. Who owns Entertainment  
3 Management Services?

4 A. It is owned by three  
5 individuals.

6 Q. What are their names?

7 A. Richard Goldring, Elliot Osher  
8 and Harvey Osher.

9 Q. Is there a relation between  
10 those two, Harvey and Elliot?

11 A. Yes, there is.

12 Q. Who operates and manages  
13 Entertainment Management Services?

14 A. Richard Goldring.

15 Q. What kind of company is  
16 Entertainment Management Services?

17 MR. GOLDBERG: Can you be more  
18 specific?

19 Q. What is its responsibilities,  
20 what does it do?

21 A. All it does is enter into  
22 license agreements with potential  
23 licensees to use the Scores trademark in  
24 the area of adult entertainment and  
25 nightclubs in exchange for a fee.

1 NEILSON

2 Q. Where is its office?

3 A. Its office, I believe it is at  
4 533 West 27th Street.

5 Q. Has it always been located  
6 there, to the best of your knowledge?

7 A. As far as I am aware.

8 Q. Who is in that office, who  
9 physically works in that office?

10 A. Richard Goldring.

11 Q. How many employees does  
12 Entertainment Management Services have?

13 A. I don't know.

14 Q. Again, for purposes of these  
15 questions, I am referring to Entertainment  
16 Management Services, which you referred to  
17 as EMS, correct?

18 A. Yes.

19 Q. Where is it incorporated?

20 A. I don't know.

21 Q. Do you know when it was  
22 incorporated?

23 A. No.

24 Q. Do you know if the corporation  
25 manages any properties?

1 NEILSON

2 A. No, it does not.

3 Q. Who are the corporate officers  
4 of the corporation?

5 A. I don't know.

6 Q. Do you know who the president  
7 is?

8 A. I know that Richard Goldring is  
9 a corporate officer, but I can't tell you  
10 exactly what his specific title is.

11 Q. Do you know who the CEO is?

12 A. No.

13 Q. The controller?

14 A. They don't have one, as far as  
15 I know.

16 Q. Do you know if this  
17 corporation, referring to EMS, has any  
18 bank accounts?

19 A. Again, I couldn't tell you  
20 specifically without reviewing the  
21 relevant documents to determine if it does  
22 or doesn't.

23 Q. When you say relevant  
24 documents, you're referring to what?

25 A. Bank accounts pertaining to

1 NEILSON

2 EMS.

3 Q. The only way you can get this  
4 information is if you reviewed the bank  
5 accounts of EMS?

6 A. By saying do you have any bank  
7 accounts, show me the statements, and then  
8 I would look at the statements and say,  
9 oh, you have bank accounts.

10 Q. Does EMS have an accountant?

11 A. I don't know.

12 Q. Do you know if EMS issues any  
13 payroll checks?

14 A. I don't know.

15 Q. Do you know if there is any  
16 employees of EMS?

17 A. I don't know.

18 Q. Do you know what EMS' corporate  
19 assets are?

20 A. No.

21 Q. Do you know if EMS purchases  
22 merchandise?

23 A. I don't know.

24 Q. Do you know if it oversees any  
25 budgets, EMS?

1 NEILSON

2 A. What do you mean by budgets?

3 Q. Any budgets of any other

4 entities.

5 A. I don't know what you mean by  
6 the term budgets.

7 Q. Do you know if EMS has any  
8 subsidiaries?

9 A. No.

10 Q. No, you don't know or, no, they  
11 don't have any?

12 A. No, I don't know.

13 Q. Do you know which entities EMS  
14 has entered into license agreements with?

15 A. Yes.

16 Q. Who are those entities?

17 A. Scores Baltimore, Scores  
18 Chicago, Scores Las Vegas, Scores  
19 Westside, Scores Eastside, Scores New  
20 Orleans, Scores Miami.

21 That's it, I believe.

22 Q. What is your relationship with  
23 with EMS, if any?

24 A. I oversee as part of my  
25 responsibilities in Scores Holding that

1 NEILSON

2 they are not doing anything that would be  
3 deemed detrimental to the trademark and  
4 they and I work together on the license  
5 agreements.

6 Q. What do you mean detrimental to  
7 the trademark, can you give me an example.

8 A. That they are not using the  
9 trademark in a detrimental way.

10 Q. What would you define as  
11 detrimental, can you give me an example of  
12 what you would think would be detrimental?

13 A. Licensing the trademark to a  
14 business that is not -- that does not  
15 portray the right image for the trademark.

16 Q. What is the image?

17 A. Upscale, expensive.

18 Q. Expensive what?

19 A. An expensive place to go.

20 Q. Going through these entities,  
21 starting with Scores Baltimore, do you  
22 know who owns that entity?

23 A. Not without referring to the  
24 license agreement, I can't give you the  
25 specific name of the entity that owns it.

1 NEILSON

2 Q. Do you know who runs it and  
3 operates it?

4 A. Andrew Ali.

5 Q. Who is responsible for the  
6 day-to-day operation?

7 A. Andrew Ali.

8 Q. Who has the authority to hire  
9 workers there?

10 A. I don't know.

11 Q. What process, if any, do you  
12 know they go through to hire workers?

13 A. I don't know.

14 Q. At the Scores Baltimore?

15 A. I don't know.

16 Q. Who determines the rate of pay  
17 for workers at Scores Baltimore?

18 A. I don't know.

19 Q. Do you know who sets the rate  
20 of pay for workers at any of the entities  
21 that you just named?

22 A. No.

23 Q. Do you know whether anyone  
24 outside that work at any of these entities  
25 that you just named, Scores Baltimore,

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2 Scores Chicago, Las Vegas, Westside,  
3 Eastside, Scores New Orleans and Scores  
4 Miami, who has the power to set the rate  
5 of pay?

6 A. No.

7 Q. Going back to Scores Baltimore,  
8 is this incorporated, Scores Baltimore?

9 A. I don't understand the  
10 question.

11 Q. Is it a corporation?

12 A. I don't know.

13 Q. You don't understand the  
14 question or you don't know if it is a  
15 corporation?

16 A. I don't know without referring  
17 to the relevant license agreement and  
18 seeing the exact corporate name whether it  
19 is incorporated or not incorporated.

20 If when I review the license  
21 agreement I can't tell whether or not it  
22 is incorporated or not, my answer would be  
23 that I would have to refer to the owner to  
24 get that information.

25 Q. Is that your position with

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2 Scores Baltimore, Scores Chicago, Scores  
3 Las Vegas, Scores Westside, Scores  
4 Eastside, Scores New Orleans and Scores  
5 Miami?

6 A. The only information that we  
7 have in Scores Holding and through the  
8 conversations and negotiations that take  
9 place with EMS in relation to these  
10 licensing agreements is that we deal  
11 directly with the owner, we do not  
12 participate in their operation, we do not  
13 participate in their policies, we do not  
14 advise or discuss with them how they run  
15 their businesses.

16 Our pure and sole  
17 responsibility is that we let them enter  
18 in a license agreement that allows them to  
19 use the name; in return they pay a fee,  
20 and the only control factor that we have  
21 is to maintain that the trademark is not  
22 damaged in any way by the licensee, that  
23 the licensee only uses the trademark in  
24 the way in which they have licensed it  
25 for.

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1 NEILSON

2 Q. Are you privy, though, to the  
3 policies and procedures that go on?

4 A. No, absolutely not; two  
5 reasons; firstly, it is illegal in most  
6 states for anybody who isn't on the liquor  
7 license and we are on no liquor licenses,  
8 to participate in those areas.

9 Secondly, as a licensing  
10 company, we're not involved in the  
11 day-to-day management or operation of  
12 those businesses.

13 Q. Are you --

14 A. Nor do we desire to be.

15 Q. Are you privy to the day-to-day  
16 operations of Scores Westside?

17 A. Minimally.

18 Q. Tell me what you are privy to,  
19 talking about Scores Westside?

20 A. They operate as an adult  
21 entertainment club in New York City using  
22 the name Scores West.

23 Q. Their name is Scores West?

24 A. Scores West.

25 Q. Do you know who owns Scores

1 NEILSON

2 West?

3 A. Yes.

4 Q. Who owns Scores West?

5 A. Richard Goldring, Elliot Osher.

6 Q. Where is Scores West located?

7 A. 528 West 28th Street.

8 Q. Do you know whether Scores West  
9 is incorporated?

10 A. Yes, it is.

11 Q. Do you know when it was  
12 incorporated?

13 A. Without referring to the  
14 corporate documents, I couldn't verify the  
15 exact date.

16 Q. Do you know whether Scores West  
17 owns any properties?

18 A. Define properties.

19 Q. Real property.

20 A. Define real property.

21 Q. Any land, any buildings, any  
22 other entities.

23 A. No, Go West only owns the  
24 fixtures and fittings and equipment in the  
25 location.

1 NEILSON

2 Q. Who is the corporate officers  
3 of Scores West?

4 A. Richard Goldring and Elliot  
5 Osher.

6 Q. Who is the president of Scores  
7 West?

8 A. Richard Goldring.

9 Q. Who is the CEO of Scores West?

10 A. I don't know if they have one.

11 Q. Do you know if they have a  
12 controller at Scores West?

13 A. I don't think they have a  
14 controller.

15 Q. Do you know whether Scores West  
16 has any bank accounts?

17 A. I don't know.

18 Q. Do you know whether Scores West  
19 has an accountant?

20 A. I don't know.

21 Q. Do you know whether Scores West  
22 issues any paychecks?

23 A. Yes, it does.

24 Q. Do you know for whom?

25 A. Employees of Go West.

1 NEILSON

2 Q. So I'm clear, the employees at  
3 Go West, their paychecks are from Go West,  
4 it says from Go West, is that what you're  
5 saying?

6 A. I believe so.

7 Q. Do you know how many employees  
8 work at Go West?

9 A. No.

10 Q. Scores West?

11 A. No.

12 Q. I want to be clear; is it Go  
13 West or Scores West?

14 A. Corporate name is Go West  
15 Entertainment, Inc.; establishment's name  
16 is Scores West, refers to as Scores West  
17 or Scores Westside.

18 Q. Do you know Go West, the  
19 corporation's assets, what they are?

20 A. No.

21 Q. Do you know if Go West has an  
22 employee handbook?

23 A. Yes.

24 Q. Does Scores Holding Company  
25 have an employee handbook?

1 NEILSON

2 A. No.

3 Q. Does EMS have an employee  
4 handbook?

5 A. Not to my knowledge.

6 Q. Do you know if Go West has a  
7 human resource department?

8 A. Not to my knowledge.

9 Q. Do you know whether Go West can  
10 purchase merchandise?

11 A. I don't understand the  
12 question.

13 Q. Similar merchandise, novelty  
14 items, baseball caps, things like that?

15 A. Still don't understanding the  
16 question.

17 Q. Do you know whether they  
18 purchase merchandise, do they purchase  
19 merchandise, for example, with the Scores  
20 logo from Scores Holding Company or do  
21 they purchase it elsewhere?

22 A. From Scores Holding Company.

23 Q. Who runs Scores Westside, Go  
24 West?

25 A. Richard Goldring.

1 NEILSON

2 Q. Who runs the day-to-day  
3 operations of Go West?

4 A. Richard Goldring.

5 Q. Who has authority at Go West to  
6 hire workers?

7 A. I don't know.

8 Q. Who sets the rate of pay for  
9 workers at Go West?

10 A. I don't know.

11 Q. Do you know who signs the  
12 paychecks for Go West employees?

13 A. Richard Goldring.

14 Q. Would it be fair to say that he  
15 sets the rate of pay for these employees  
16 at Go West?

17 A. I don't know.

18 Q. If he did not, who do you  
19 believe would set the rate of pay for  
20 employees at Go West?

21 A. Mr. Goldring or one of his  
22 subordinate managers.

23 Q. Who tells workers what to do at  
24 Go West?

25 A. Managers.



1 NEILSON

2 Q. How many managers are at Go  
3 West?

4 A. I couldn't give you an exact  
5 number at this time.

6 Q. An estimate, is there more than  
7 12?

8 A. I am not going to estimate a  
9 number that I don't know.

10 Q. Is it more than 12, to the best  
11 of your knowledge?

12 A. I doubt it.

13 Q. What role, if any, do you play  
14 in Go West?

15 A. Mr. Goldring will from time to  
16 time ask my advice on certain matters.

17 Q. Like what?

18 A. Business decisions, decisions  
19 relating to the operation of the business,  
20 ideas, suggestions.

21 Q. Could you give me an example,  
22 please.

23 A. Should we make this invitation  
24 red or blue, should I talk to this person  
25 about doing a promotion, how can I make

1 NEILSON

2 the club more profitable, how can I deal  
3 with competitive issues, things like that.

4 Q. Thank you.

5 Who has the power at Go West to  
6 fire employees?

7 A. I don't know.

8 Q. If it is not Mr. Goldring, who  
9 do you believe would have the power to  
10 fire employees?

11 A. One of his managers.

12 Q. Would the ultimate decision, if  
13 you know, fall on Mr. Goldring?

14 A. I doubt it.

15 Q. The other entity that you  
16 mentioned was Scores Eastside.

17 Is there another name for it or  
18 is that it, Scores Eastside?

19 A. Scores East, Scores Eastside;  
20 if you look at the license agreement, you  
21 will see the specific name we gave them.

22 Q. Is it 333 East 60th Street?

23 A. That's the corporation.

24 Q. Is it incorporated; that would  
25 be yes?

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2 A. Yes.

3 Q. Do you know where it is  
4 incorporated, referring now to Scores  
5 Eastside?

6 A. New York.

7 Q. Do you know the address?

8 A. Which address?

9 Q. Its principal place of  
10 business.

11 A. 333 East 60th Street, strangely  
12 enough.

13 Q. Do you know whether Scores  
14 Eastside, whether the corporation owns any  
15 properties?

16 A. Again, define properties.

17 Q. Real property, do they own any  
18 buildings, any land.

19 A. No.

20 Q. Does Scores Eastside manage any  
21 properties?

22 A. No.

23 Q. Who is the owner of Scores  
24 Eastside?

25 A. Richard Goldring and Elliot

1 NEILSON

2 Osher.

3 Q. Who is the president of the  
4 corporation?

5 A. Richard Goldring.

6 Q. Who is the CEO of the  
7 corporation?

8 A. I don't know that they have  
9 one.

10 Q. Do you know if they have a  
11 controller?

12 A. I don't know.

13 Q. Do you know if this corporation  
14 has any bank accounts?

15 A. I don't know.

16 Q. Do you know if this corporation  
17 has an accountant?

18 A. I don't know.

19 Q. Do you know if this corporation  
20 issues any payroll checks?

21 A. Yes, it does.

22 Q. To whom do they issue checks?

23 A. Employees.

24 Q. Do you know how many employees  
25 are at Scores Eastside?

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2 A. No.

3 Q. Do you know from what bank  
4 account these payroll checks are issued  
5 from?

6 A. No.

7 Q. Do you know whether Scores  
8 Eastside has a human resource department?

9 A. Don't know.

10 Q. Do you know whether this  
11 corporation, Scores Eastside, has any  
12 assets?

13 A. Define assets.

14 Q. Property, equipment, money.

15 A. The only assets it has is the  
16 fixtures, fittings and property at the  
17 location.

18 Q. Do you know whether Scores  
19 Eastside has an employee handbook?

20 A. Yes, it does.

21 Q. Is it the same employee  
22 handbook that Scores Westside has?

23 A. Similar.

24 Q. What are the differences?

25 A. The Scores East handbook refers

1 NEILSON

2 to Scores East and the Scores West refers  
3 to Scores West.

4 Q. But the policies and procedures  
5 within it are the same substantively  
6 speaking?

7 A. Substantively speaking, yes.

8 Q. Do you know whether Scores  
9 Eastside has any subsidiaries?

10 A. No.

11 Q. Do they purchase their  
12 merchandise from Scores Holding Company?

13 A. Yes.

14 Q. Who runs the day-to-day  
15 operations of Scores Eastside?

16 A. Richard Goldring.

17 Q. Who has the authority to hire  
18 the workers at Scores Eastside?

19 A. I don't know.

20 Q. Who has authority to fire  
21 workers at Scores Eastside?

22 A. I don't know.

23 Q. Who issues the paychecks at  
24 Scores Eastside?

25 A. I don't know.

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2 Q. Who signs the paychecks at  
3 Scores Eastside?

4 A. Richard Goldring.

5 Q. Who directs the workers on what  
6 to do?

7 A. Management team.

8 Q. At Scores Eastside?

9 A. The management team.

10 Q. Does anyone else have the power  
11 to direct the workers at the Scores  
12 Eastside?

13 A. Not that I know of.

14 Q. Would Mr. Goldring have the  
15 power to direct the workers at Scores  
16 Eastside?

17 A. He owns the business, I would  
18 imagine so.

19 Q. Do you know whether Mr.  
20 Goldring sets the company policies at the  
21 Scores Eastside?

22 A. I don't know.

23 Q. Do you know whether he does at  
24 the Scores Westside?

25 A. I don't know.

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2 Q. Who determines the hours of  
3 operation for the Scores Eastside?

4 A. Richard Goldring and the law.

5 Q. Who sets the hours of operation  
6 for the Scores Westside?

7 A. Richard Goldring and the law.

8 Q. Are they the same hours of  
9 operation?

10 A. I believe so, but I haven't  
11 checked recently.

12 Q. Who determines what merchandise  
13 Scores Holding Company is going to  
14 purchase, in other words, the hat, the  
15 logos and novelty items that you mentioned  
16 before, who makes that decision?

17 A. Myself and Curtis Smith and  
18 Elda Auerbach.

19 Q. Are the other entities, Scores  
20 Eastside and Westside, required to  
21 purchase that merchandise from Scores  
22 Holding Company?

23 A. If it is an item that Scores  
24 Holding has, yes.

25 Q. Does Mr. Goldring participate



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2 in negotiating contracts?

3 A. What sort of contracts?

4 Q. These licensing agreements.

5 A. As the president of EMS, yes.

6 Q. To the best of your knowledge,  
7 does he visit Scores Eastside?

8 A. I imagine so.

9 Q. To the best of your knowledge,  
10 does Mr. Goldring visit Scores Westside?

11 A. I imagine so.

12 Q. Do you know of any incidents in  
13 the Scores Eastside that Mr. Goldring has  
14 fired or disciplined an employee?

15 A. No.

16 Q. Do you know of any incidents in  
17 the Scores Westside that Mr. Goldring has  
18 fired or disciplined an employee?

19 A. No.

20 Q. Scores Entertainment  
21 Incorporated, are you familiar with that  
22 entity?

23 A. Yes.

24 Q. What was that entity?

25 A. It was a prior owner of Scores

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2 East before it was acquired by 333 East  
3 60th Street, Inc.

4 Q. Who owned that entity?

5 A. Irving Bilzinsky.

6 Q. What was the time period in  
7 which he owned that entity?

8 A. 1990 through 2001 or 2002.

9 Q. What is the relationship  
10 between Scores Entertainment, Inc., and  
11 EMS?

12 A. None that I am aware of; I  
13 would have to review the license  
14 agreements to see if EMS actually entered  
15 into a license agreement with Scores  
16 Entertainment, Inc., or whether its  
17 license agreement was only with 333 East  
18 60th Street, Inc.

19 Q. You said 333 East 60th Street  
20 took over Scores Entertainment, Inc., is  
21 that correct?

22 A. Over the location, the  
23 business, that was owned by Scores  
24 Entertainment, Inc.

25 Q. So if Scores Entertainment,

1 NEILSON

2 Inc., didn't have an agreement with EMS,  
3 would it have one with Scores Holding  
4 Company?

5 A. I would have to review the  
6 documents to answer that question.

7 Q. What documents would you need  
8 to review to answer that?

9 A. The licensing agreements.

10 MS. MARZIGLIANO: Can you mark  
11 this as Plaintiffs' Exhibit 6.

12 (Plaintiffs' Exhibit 6, Rule  
13 7.1 of the Federal Rules of Civil  
14 Procedure, was marked for identification,  
15 as of this date.)

16 Q. Showing you what's been marked  
17 as Plaintiffs' Exhibit 6.

18 Have you ever seen this  
19 document before?

20 (Witness perusing document.)

21 A. No.

22 Q. What is this document?

23 A. Statement pursuant to Rule 7.1  
24 of the Federal Rules of Civil Procedure.

25 Q. If you can take a minute and

1 NEILSON

2 read the document.

3 (Witness perusing document.)

4 A. Okay.

5 Q. Have you had an opportunity to  
6 read it?

7 A. Yes.

8 Q. Is the information in there  
9 accurate?

10 A. Yes, it is.

11 Q. Is there anything that's not  
12 listed on this statement that should be  
13 listed?

14 MR. GOLDBERG: Objection, this  
15 is a legal document that's submitted to  
16 the court for purposes of determining  
17 disqualification of the judges and I don't  
18 think the witness should be answering a  
19 legal question about whether the document  
20 contains something that is or isn't  
21 required.

22 I think it is an inappropriate  
23 question and I will direct him not to  
24 answer that.

25 Q. The information that is in

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2 there is accurate, correct?

3 A. Well, I can't tell you whether  
4 the Rule 7.1 is accurate, but I can tell  
5 you that 1 and 2 are accurate.

6 Q. Thank you?

7 MS. MARZIGLIANO: I just need  
8 five minutes.

9 (Recess taken.)

10 BY MS. MARZIGLIANO:

11 Q. We talked about Scores  
12 Eastside, we spoke about Scores Westside.  
13 We started speaking about  
14 Scores Baltimore; is it my understanding  
15 that you're not aware regarding Scores  
16 Baltimore about whether or not it is  
17 incorporated or who the owner is?

18 A. I don't believe that's what I  
19 answered.

20 What I answered was if I look  
21 at the relevant license agreements, I can  
22 verify to you who is the corporate owner  
23 and who is the corporate officer that  
24 signed the license agreement.

25 Q. Which we don't have and has not

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2 been produced to us.

3 A. Again, if you go online to  
4 Scores Holding and look in the 10-Q and  
5 10-Q filings, all the license agreements  
6 are attached in the relevant quarter in  
7 which they were signed and you can see all  
8 the documents.

9 MR. GOLDBERG: We will provide  
10 that document; I think the witness earlier  
11 testified he knew the individual who was  
12 the responsible person for Scores  
13 Baltimore, but he didn't know if the  
14 corporation was the actual licensee.

15 Q. Who is the owner of Scores  
16 Baltimore?

17 A. The question you actually asked  
18 was who is responsible for the day-to-day  
19 management of Scores Baltimore and I  
20 answered Andrew Ali.

21 Q. Is Andrew Ali also the owner?

22 A. I couldn't tell you.

23 Q. Do you know who the owner is?

24 A. Yes, I do.

25 Q. Who is the owner?

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2 A. It is a corporation.

3 Q. Do you know who the corporate  
4 officers are and directors?

5 A. No.

6 Q. Do you know when it was  
7 incorporated?

8 A. No.

9 Q. Do you know where the corporate  
10 officers are located regarding Scores  
11 Baltimore?

12 A. No.

13 Q. Do you know whether Scores  
14 Baltimore manages any properties, real  
15 properties, businesses?

16 A. No, we do not involve ourselves  
17 in the operation, ownership, of these  
18 businesses.

19 Our only relationship is that  
20 we license the Scores name to them in  
21 exchange for a fee and our only  
22 relationship to those entities is, A, to  
23 receive a fee for the use of the name  
24 whilst they use it; B, make sure that the  
25 money they pass is correct, make sure the

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2 fee they pay is correct, in other words,  
3 they send the statements and say we owe  
4 you X and we make sure they pay us X, and,  
5 3, that they do not do anything that's  
6 detrimental to the trademark or would be  
7 an infringement on the license agreement.

8 That is the extent of our  
9 relationship with any licensee, we do not  
10 manage their business, do not advise them  
11 on their businesses, do not set policies  
12 on their business, we do not involve  
13 ourselves in the day-to-day management of  
14 their businesses at any level at all.

15 Q. When you say "they," who are  
16 you referring to?

17 A. The licensees.

18 Q. When you say "licensees" who  
19 are you referring to?

20 A. Anybody who is using the Scores  
21 trademark.

22 Q. I understand that, but you're  
23 here today to give testimony on the  
24 ownership, management, and organizational  
25 structure of various different



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2 corporations, you understand that,  
3 correct?

4 A. Yes, and the corporations you  
5 have listed here are Scores Holding  
6 Company, Go West Entertainment, Inc.,  
7 Scores Entertainment, Inc., Entertainment  
8 Management Services, and that's it, four  
9 corporations.

10 That is the limit of this.

11 Q. So --

12 A. Of this notice of deposition  
13 pursuant to Rule 30(b)(6).

14 Q. So we're talking about the  
15 different entities.

16 Going back to this Scores  
17 Baltimore, and if you know the  
18 information, great, if you don't, just let  
19 me know, do you know whether Scores  
20 Baltimore has any bank accounts?

21 A. No.

22 Q. Do you know who Scores  
23 Baltimore's accountant is?

24 A. No.

25 Q. Do you know whether Scores

1 NEILSON

2 Baltimore issues any paychecks?

3 A. No.

4 Q. Does Mr. Goldring have any  
5 involvement, to the best of your  
6 knowledge, with Scores Baltimore?

7 A. No, he does not.

8 Q. You don't know or you know he  
9 doesn't?

10 A. Mr. Goldring has no involvement  
11 with Scores Baltimore, Scores Chicago,  
12 Scores Las Vegas, Scores New Orleans or --

13 Q. Does he have any involvement in  
14 Scores Miami?

15 A. That business is currently  
16 closed.

17 Q. Scores Miami is currently  
18 closed?

19 A. Yes.

20 Q. When did it close?

21 A. A year ago.

22 Q. Who owns Scores Miami?

23 A. A corporation.

24 Q. What is the name of the  
25 corporation?

1 NEILSON

2 A. Scores -- SMG Entertainment,  
3 Inc..

4 Q. Do you know who the officers  
5 and directors were of that corporation,  
6 SMG Entertainment?

7 A. Not without referring to the  
8 relevant paperwork.

9 Q. Do you know why it closed, SMG  
10 Entertainment, Inc.?

11 A. Because they were -- the  
12 owners were looking to redevelop that  
13 location, that piece of real estate.

14 Q. What do you mean the owners,  
15 the owners of the building where it was  
16 located or the owners of SMG?

17 A. The owners of the real estate.

18 Q. Did SMG --

19 A. For SMG, I don't have the  
20 information, it is not on the notice of  
21 deposition, it is not listed as a  
22 corporation on there, it is not part of  
23 the corporation, and as I have stated in  
24 relation to all of those relevant  
25 corporations, Baltimore, Chicago, Las

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2 Vegas, et cetera, other than the person  
3 who signed the license agreement, other  
4 than the corporate name that is on the  
5 license agreement, other than discussions  
6 about the license agreement, I have no  
7 knowledge of anything to do with those  
8 businesses, they are independently owned,  
9 operated, managed, and run.

10 Q. So you have no testimony to  
11 give today regarding Scores Baltimore?

12 A. I can't give you any testimony.

13 Q. And you have no --

14 A. We succinctly and clearly --  
15 Scores Holding and EMS clearly and  
16 succinctly avoid, intentionally do not get  
17 involved, in how these people run and  
18 manage their businesses.

19 All we do is license the name,  
20 the only parameter we require from the  
21 operator of that club is two-fold; one,  
22 all actions that they take in the club  
23 must be legal or they risk losing the use  
24 of the license agreement, and, secondly,  
25 that they must conform to an operating